

ARTICLE 9: ADDITIONAL DEVELOPMENT STANDARDS**Section 9.1 Visibility at Intersections**

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the curb line twenty-five (25) feet from where they intersect or where there are no curb lines, on the right-of-way lines, twenty (20) feet from where they intersect.

Section 9.2 Lots With Buildings, Structures, and Uses Must Abut Streets

9.2.1 Except as provided in Section 9.2.2 of this ordinance, no principal building, structure, or use may be erected or established on any lot which does not abut at least twenty (20) feet on one of the following:

9.2.1.1 A public street dedicated to and maintained by the Town of Rolesville or the North Carolina Department of Transportation;

9.2.1.2 A street constructed to the standards of the Town of Rolesville, or the North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.

9.2.2 The Town Board may authorize, as a special use, the erection or establishment of a principal building, structure, or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, which make the application of these requirements to the proposed use infeasible or undesirable.

Section 9.3 Complexes

Office centers, institutional and industrial, multi-family dwelling and similar complexes may have more than one (1) principal building on a single lot provided that the following requirements are met:

9.3.1 Uses in complexes shall be limited to those which are permitted, or special uses within the zoning district in which the project is located.

9.3.2 The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located, for the type of use to be established.

9.3.3 The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located or fifty (50) feet, whichever is greater.

- 9.3.4** The building heights shall not exceed the height limits permitted in the district in which the project is located.
- 9.3.5** The building shall be located so as to provide access for emergency vehicles.
- 9.3.6** The minimum spacing between buildings in a complex shall be in accordance with the yard requirements of the district in which the project is located.
- 9.3.7** If the use is a special use, all requirements for all special uses and the specific use and any conditions imposed on the use shall be met.

Section 9.4 Home Occupations

9.4.1 Home Occupations.

Home Occupations are permitted in all districts only as an incidental use and shall comply with the following regulations:

- 9.4.1.1** No person other than a resident of the dwelling shall be engaged in such occupation.
- 9.4.1.2** No more than three (3) customers, clients, or patrons shall come to the dwelling at any one (1) time nor more than ten (10) in any one (1) day.
- 9.4.1.3** No more than two (2) vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an automobile, van, or pick-up shall be in an enclosed building as described in Section 9.4.1.4 below.
- 9.4.1.4** No more than twenty-five percent (25%) of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one (1) accessory building not exceeding one thousand (1,000) square feet, shall be a special use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation and/or for use as an administrative office for the home occupation. The accessory building may be used for manufacturing, processing, instruction, sales, services, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this ordinance must be met by such accessory building. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a Special Use Permit.
- 9.4.1.5** Notwithstanding the provisions of Subsection 9.4.1.4, a home greenhouse shall be permitted provided that such greenhouse meets the requirements of Section 5.5 and that any sales in connection with such greenhouse meet the requirements of this section (Section 9.4).

- 9.4.1.6 No outdoor sales or storage shall be permitted in connection with the home occupation. This provision shall not prohibit the outdoor on-premises sale of the products of home gardens, or yard sales if otherwise in accordance with town ordinance.
- 9.4.1.7 The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.
- 9.4.1.8 The use may not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, radiation, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.
- 9.4.1.9 No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.
- 9.4.1.10 There shall be no more than two (2) deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of seven (7:00) AM and nine (9:00) PM.
- 9.4.1.11 No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before seven (7:00) AM or after nine (9:00) PM.
- 9.4.1.12 The following are strictly prohibited as home occupations: car washes, commercial automotive repair garages, truck terminals, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing material of a pornographic nature, movie theaters, animal hospitals and kennels, and bottled gas sales.
- 9.4.1.13 Any home occupation not complying with these regulations shall be a special use.

Section 9.5 Group Care Homes for Infirm or Aged, Congregate Care, Life Care, Non-Protected Group Homes, Intermediate Care, and Nursing Homes

- 9.5.1** Facilities or homes for Infirm or Aged, Congregate Care, Life Care, Non-Protected Group Homes, Intermediate Care, and Nursing Homes facilities or homes shall certify that they are able to satisfy the requirements of the North Carolina Department of Human Resources.

- 9.5.2** Notwithstanding any provision to the contrary, for each person to be cared for there shall be: a) at least 25 square feet of indoor space per person, which is usable for common leisure and recreational activities of the residents, exclusive of closets, passageways, kitchens, bathrooms and bedrooms; and b) at least 500 square feet of outdoor leisure and recreation area per person, 100 square feet of which shall be in lawn and facilities as opposed to wooded area.
- 9.5.3** Outdoor leisure and recreation areas shall provide suitable screening with a type B buffer along the street right-of-way and adjacent properties in residential use. Such areas shall be on land suitable for the use intended and may include wooded and vegetated areas. Adequate leisure and recreation facilities shall be provided considering the age and disability of the residents.
- 9.5.4** Where a facility will provide care for seven or more persons, the minimum lot size shall be increased by 750 square feet for each adult in excess of six to be cared for.
- 9.5.5** New facilities covered by this subsection must be separated from existing protected group homes and facilities covered by this subsection by a distance of no less than one-half mile measured from the closest point of each lot property line in a straight line.

Section 9.6 Water and Sewer Utility Standards

The current water and sewer utility design and construction standards for the City of Raleigh are hereby included by reference in this ordinance.

9.6.1 Mandatory Connection to Public Water and Sewer Systems.

(A) Residential Properties

Within the Town of Rolesville's jurisdiction, every residentially zoned lot being improved with a new dwelling that is within the distances set out shall be required to connect, at the expense of the owner or developer, to that public water or sewer system.

<u>Number of lots</u>	<u>Distance from system</u>
1 lot	300 feet
2 to 4 lots	1,000 feet
>5 lots (Major Subdivision)	5,280 feet

The distance in determining whether the improved property lies within the minimum distance of an existing public water or sewer system shall be measured from the closest property line of the development to the nearest existing water or sewer line. However, all water and sewer lines throughout each subdivision shall be placed within rights-of-way and/or existing easements except for each line serving the interior of individual lots.

Residential properties developed for one single family dwelling need not connect to public utilities if they are merely replacing an existing single family home with another single family dwelling (due to a hardship of storm or fire damage, roadway improvements, etc.) or if the owner is adding onto an existing single family dwelling.

(B) Commercial Properties

All construction of water and/or sewer lines conducted in accordance with the above paragraphs to the public water and/or sewer lines of the Town shall be done in conformity with the City of Raleigh specifications for utility construction. Further, upon completion and approval of said construction of all water and/or sewer lines to, into, and within the subdivision or development, the water and sewer improvements shall be conveyed, together with access easements for maintenance, to the City of Raleigh. Thereafter, the City of Raleigh shall maintain said lines as same shall be part of its water and/or sewer system.

9.6.2 Community and Individual Water and Sewer Systems. For all community and individual water and/or sewer systems, including individual wells or septic systems in subdivisions or developments outside of the 5,280 foot distance of existing water and/or sewer systems, the materials, design, and installation shall be subject to approval by the Division of Water Quality at the N.C. Department of Environment and Natural Resources, or the Wake County Health Department.

9.6.3 Water and Sewer Utility Extensions. Extensions of any water or sanitary sewer mains are to be made to the furthest property line of the tract where necessary to serve adjoining property owners with utilities along natural drainage patterns. In all instances, plans shall show the total area in acres draining to the uppermost bounds of the tract on any established watercourse. Additional extensions may be required if the Town of Rolesville or the City of Raleigh Public Utilities Department determines adjacent property can be served from extensions to the proposed site.

Section 9.7 Availability of Public Utilities for Industrial and Commercial Development

In order to provide for sufficient water and wastewater service for the citizens and businesses of Rolesville, and to provide for the town's long term development by insuring that adequate capacity exists for future utility customers, all applicants for commercial and industrial zoning permits shall be required to provide anticipated peak water and wastewater usage to the Zoning Administrator.

9.7.1 Uses with utility requirements in excess of the following minimum standards shall be considered special uses and must follow the requirements of Section 3.6.

9.7.2 Minimum Standards.

25,000 gallons of water per day.
25,000 gallons of wastewater per day.

9.7.3 Policy Standards

In considering the application for a special use permit, the Planning Board and the Rolesville Board of Commissioners shall review the application in accordance with the conditions listed in Article 8. In addition, the board shall consider the use according to the following principals:

- (a) Total gallons required.
- (b) Potential for expansion of proposed use.
- (c) Limitation this approval will put on future residential and other commercial or industrial growth.

9.7.4 Cancellation of Permit

The Special Use permit once issued, shall become invalid unless substantial development of the proposed use has been commenced within six (6) months of date of issue, or if any work authorized by it is suspended or abandoned for any reason for a period in excess of one (1) year.

Section 9.8 Water Towers

Water storage towers and tanks not located on a roof may be erected to a height not to exceed two hundred (200) feet, measured from the average natural ground elevation, provided that the following conditions are met:

- 9.8.1** The structure is located a minimum distance of fifty (50) per cent of its height from the nearest property line of a lot containing a dwelling, congregate care or congregate living structure, as measured from the closest point of any portion of the storage tank.
- 9.8.2** A minimum forty (40) foot natural protective buffer is provided adjacent to any lot line of a dwelling, congregate care or congregate living structure or adjacent to the lot line of any vacant lot zoned for residential use. A minimum fifteen (15) foot natural protective buffer is required for general office, commercial and industrial zoned districts.
- 9.8.3** The entire area of the water tower, including the water tank overhang, tower base supports, electrical power panels and above ground control valves must be surrounded by a security fence or wall of at least eight (8) feet in height.
- 9.8.4** Except for fence and wall entrances, all fences and walls shall be screened with plant materials so that no more than two-thirds of the surface of the wall or fence is visible within three (3) years after erection of the wall or fence. Existing vegetation may be used for the screening, along with new plantings.

Section 9.9 Auto Repair, Auto Wash, Wrecker Service, and Vehicle Storage Facilities

The development standards listed herein are in addition to all other requirements of this ordinance and shall apply to the specific permitted uses in this section.

9.9.1 Use: Automobile Repair Garage as permitted in the C-O Zone

Requirements:

- (a) A landscape buffer in conformance with Article 14 shall be required along the property line abutting residentially zoned property.
- (b) In addition to service vehicles necessary for the operation of the business, only vehicles awaiting repair may be stored on site. No inoperable vehicles may be left on site for more than fifteen (15) days. In special circumstances where this provision may pose undue hardship, the Zoning Administrator may grant an extension for vehicle storage of up to fifteen (15) days.
- (c) No partially disassembled vehicles or parts may be stored in view of a public right-of-way.

9.9.2 Use: Automobile Wash - Self Service as permitted in the C-O Zone

Requirements:

- (a) A landscape buffer in conformance with Article 14 shall be required along any property line abutting residentially zoned property.
- (b) Each wash bay shall be enclosed within a permanent structure leaving only the entrance and exit open to view.
- (c) Each approach lane shall provide space for three cars prior to entry of wash bay, plus two (2) drying spaces per bay.
- (d) Adequate waste disposal units shall be maintained on site for the use.

9.9.3 Use: Wrecker Service and Vehicle Storage as permitted in the C-O and I Districts

Requirements:

- (a) Use is acceptable only in C-O and Light Industrial districts as a Special Use.
- (b) Wrecker service and/or vehicle storage areas are to be no closer than 1,000 feet from any property zoned for Residential use and Office and Institutional (O&I) use.
- (c) Vehicle sales on the property are not allowed other than under a Mechanic's Lien.
- (d) All parking areas are to be paved with asphalt or concrete.
- (e) All stored vehicles must be parked in a secure area, behind opaque fencing that is a minimum of six (6) feet in height. The fence is to be screened from all public roadways with plant materials so that no more than one-third of the fence surface is visible within three years after emplacement of the plant materials.
- (f) Any expansion of the secure vehicle storage area shall require a separate Special Use Permit.
- (g) Vehicles stored in the vehicle storage area may not have parts removed for sale or re-use.

- (h) Repair of vehicles on-site will require approval as a separate Special Use, and if approved, must comply with provisions in Article 5 and Sections 6.1, 6.2, 7.1, 9.8, and 12.2 of this ordinance.
- (i) The above restrictions are in addition to all other requirements and restrictions stated in this ordinance.

Section 9.10 Town Inspectors

The Town of Rolesville reserves the right to require that inspectors designated by the Town be used to certify that streets, sidewalks, stormwater structures, and other required infrastructure improvements are in compliance with town regulations.

Section 9.11 Traffic Impact Study

9.11.1 Purpose

This Section is intended to help ensure that new development does not adversely affect the capacity of streets and intersections to safely and efficiently accommodate vehicular traffic. It seeks to do so by providing a standard set of analytic tools and format that can be used to identify a development's expected traffic impacts on the road system, any traffic problems associated with access to and from the development site, and any improvements or site design modifications needed to solve potential adverse traffic impacts and access problems.

9.11.2 When Required

- (A) A traffic impact analysis is required at the time of application for approval of any zoning map amendment (rezoning), special use permit, and/or preliminary subdivision plat if:
 - (1) the proposed development, or phases of development, or contiguous tracts under the same ownership, would accommodate or could be expected to generate 100 or more added vehicle trips to or from the site during the peak traffic hour (based on the proposed development or the adjacent roads and intersections); or
 - (2) the proposed development, or phases of development, or contiguous tracts under the same ownership, would accommodate or could be expected to generate 1,000 or more added vehicle trips to or from the site during a 24-hour period (based on the proposed development or the adjacent roads and intersections).
- (B) In calculating the number of added vehicle trips expected to be generated, trip generation rates must be obtained from the most recent editions of Trip Generation and Trip Generation Handbook, published by the Institute of Transportation Engineers (ITE). Only “new” vehicle trips will be counted; no pass-by or internal trip capture will be used in calculating “added vehicle trips.”

- (C) The Planning Director may waive the requirement for a traffic impact analysis when the applicant shows that the proposed development's impact on adjacent roads and intersections will be minimal and insignificant, or will be no greater than those projected by a traffic impact analysis prepared and submitted within the past two (years) for the same site under the same or similar background conditions. The Planning Director must document the reasons for any waiver.

9.11.3 Level of Service Standards

- (A) The traffic impact analysis must demonstrate that the proposed development would not cause build-out-year, peak-hour levels of service on any arterial or collector road or intersection within the study area to fall below Level of Service (LOS) "D," as defined by the latest edition of the highway capacity manual, or, where the existing level of service is already LOS "E" that the proposed development would not cause the LOS to fall to the next lower letter grade.
- (B) If the road segment or intersection is already LOS "F," the traffic impact analysis must demonstrate that the proposed development, with any proposed improvements, would not cause build-out year peak-hour operation to degrade more than 5% of the total delay on any intersection approach.
- (C) To the extent that application proposes specific access points, the analysis must also demonstrate that the proposed development would avoid unsafe conditions on adjacent roads.
- (D) Failure to meet these standards may serve as a basis for denying the application, or for conditioning approval of the application or application on provision of improvements or other mitigation measures needed to correct deficiencies due to the proposed development's impacts.

9.11.4 Study Area

The traffic impact analysis must address the proposed development's traffic impacts on at least:

- (A) roads and intersections within the development site, as designated by county planning staff or review consultant;
- (B) road segments and intersections abutting the development site as designated by county planning staff or review consultant; and
- (C) off-site road segments and intersections where traffic from the proposed development is expected to account for at least 10% of the road's or intersection approach leg's average daily traffic.

9.11.5 Qualifications

Traffic impact analyses must be prepared by a licensed professional engineer.

9.11.6 Study Contents

- (A) Traffic impact analyses must include charts, graphics, and narrative presenting at least the following information:
- (1) a description of existing land uses and development intensities in the study area, the location and characteristics (functional classification, number of lanes, speed limit, signalization, etc.) of roads and intersections in the study area, and the existing traffic volumes and conditions (including levels of service) of those roads and intersections;
 - (2) a description of the location and traffic-related characteristics (land use, intensity, expected date of full build-out and occupancy, vehicular access points and characteristics, etc.) of the proposed development and other developments in the study area that are under construction, approved, or pending approval, as well as roadway and other transportation facilities and improvements in the study area that are under construction, programmed, or planned ;
 - (3) projections of future background traffic (existing traffic volumes forecasted to buildout year levels based on agreed upon traffic growth rate) plus traffic generated by other development in the study area that is under construction, approved, or pending approval, future site traffic and total future traffic (the sum of future background traffic and future site traffic);
 - (4) future background and site traffic projections must be made for the peak hours (as identified by county planning staff or review consultant) of the adjacent road segments and intersections and for the development's expected full build-out and occupancy date, and must include trip generation, trip distribution (using preapproved distribution by county planning staff or review consultant), and traffic assignment estimates;
 - (5) analyses of the proposed development's incremental impacts on:
 - (a) road capacity during peak hours at all site access points and at road segments and intersections in the study area (including determination of the level of service for the road segments and intersections, queuing vs. existing/proposed storage); *Commentary: when a rezoning is requested, a trip generation comparison must be prepared, comparing existing vs. proposed zoning)*
 - (b) the need for signalization of intersections in the study area; and
 - (c) existing or potential high accident areas (as referenced in the adopted transportation plan or determined by county planning staff);

- (6) a qualitative analysis/review of sight distance at access points, when required by planning staff or the review consultant;
 - (7) a description of the location, nature, and extent of site access and transportation improvements and other measures recommended to mitigate any failure to meet traffic operation standards due to the proposed development's traffic impacts, including the expected effectiveness of each mitigation measure in addressing deficiencies, the feasibility of implementing the measures, suggested allocation of responsibility for funding and implementing the measures, the measures' relationship to planned public transportation improvements, and a suggested time schedule for the implementation of the measures;
 - (8) résumés of the preparers of the analysis, demonstrating specific education, training, and professional experience in traffic-related analyses and, if the analysis involves roadway or traffic signal design, traffic engineering; and
 - (9) identification of all assumptions and data sources used in its projections, analyses, and recommendations.
- (B) When the traffic impact analysis accompanies a rezoning application, its description of the proposed development must indicate the full range of land uses and development intensities allowed by the proposed zoning and identification of the allowable land use/intensity that can be expected to have the greatest traffic impact on peak hour traffic on adjacent roads and intersections. This highest impact land use/intensity will constitute the "proposed development" for which traffic projections are made and traffic impacts are analyzed.

Section 9.12 Infrastructure Bonding [Reserved]

Section 9.13 Mobile Vendors

9.13.1 Purpose and Intent

It is the intent of the ordinance to:

- A. serve and protect the health, safety, and welfare of the general public;
- B. to develop a system that will enhance the overall appearance and environment along public streets, pedestrian ways, and other public properties;
- C. to assist all mobile vendor businesses that exist within the town and have an investment within the community; and
- D. to establish a uniform set of rules and regulations that are fair and equitable.

9.13.2 License required

It shall be unlawful for any person to engage in the business of vending, either within the corporate limits or extra territorial jurisdiction, unless he has first obtained a privilege license from the Town of Rolesville. All privilege licenses shall be issued according to the regulations established within this ordinance.

9.13.3 Application

Mobile Vendors must submit a privilege license application to the Town of Rolesville. If selling food, the applicant must also obtain certification of inspection by the Wake County Department of Environmental Services and meet all requirements set forth under state and federal law.

9.13.4 Requirements

- A. Property owner permission – Mobile Vendors must present written permission from the owner of the property on which they operate. No Mobile Vendor can set up within the public right-of-way of any street except that Mobile Vendors selling ice cream or other goods typically sold from a moving vehicle, including ice cream vendors, may utilize the public streets provided they do not impede the reasonable flow of traffic or otherwise endanger the public safety.
- B. Time limits – Mobile Vendors shall not operate between the hours of 8 p.m. to 8 a.m. No vehicle or signage for the Mobile Vendor shall be parked, stored, or left overnight.
- C. Littering – Mobile Vendors shall keep the sidewalks, roadways, and other spaces adjacent to their vending sites or locations clean and free for paper, peelings, and refuse of any kind generated from the operation of the business.
- D. Sound device – Mobile Vendors shall not sound any device that produces a loud and raucous noise or operate a loudspeaker or amplifier to attract public attention.
- E. Obstruction of traffic – The location of a Mobile Vendor on a site shall not impede the flow of traffic nor obstruct the line of site for vehicles on private or public streets.
- F. Only one (1) Mobile Vendor is permitted per parcel of land.
- G. The privilege license fee for a Mobile Vendor is \$50 for businesses operating less than thirty (30) days in any one calendar year and \$100 per businesses operating more than thirty (30) days in any one calendar year.
- H. Mobile Vendors shall display their privilege license such that they are clearly visible to the public and law enforcement officers

9.13.5 Exemptions

- A. Special Event – Mobile Vendors operating during a municipal or civic special event within a designated area are exempt from §9.13.4(A) thru (G).
- B. Fund Raisers – Mobile Vendors selling goods to raise funds for non-profit organizations such as, but not limited to, schools, churches, and civic groups are exempt from §9.13.4 (G). Such vendors shall not operate more than two (2) days within a thirty (30) day period.

9.13.6 Penalties

The penalty for violating any provision of this ordinance are addressed in §10.99.

Amendments

10/04/04 to entire document; 05/02/05 to §9.6.3 through TA05-04; 09/05/06 to §9.13 through TA06-07; 1/16/07 to §9.6 and 9.11 through TA07-01; 9/16/08 to §9.6 through TA08-06